THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.886 & 888 of 2007

DATED: 01-03-2007

W.P.No.886 of 2007

M/s Manohara Restaurant & Bar,
Rep., by its Proprietor,
K.P.Jaganadha Rao,
Visakhapatnam District.

...PETITIONER

AND

The Deputy Commissioner of Prohibition & Excise,
Visakhapatnam & 2 others.

...RESPONDENTS

W.P.NO.888 OF 2007:

M/s Venkateswara Restaurant & Bar,
Rep., by its Proprietor,
K.Jaggarao,
Anakapalli,
Visakhapatnam District.

... PETITIONER

AND

The Deputy Commissioner of Prohibition & Excise,
Visakhapatnam & 2 others.

... RESPONDENTS

COMMON ORDER:

Heard the learned counsel appearing for the petitioners as well as the learned G.P. for Prohibition & Excise appearing for the respondents.

2. These two Writ Petitions have been filed seeking a writ of mandamus declaring the orders of the 1st respondent in cancelling the licence of the petitioners vide proceedings Rc.No.462/2006/A3; and Rc.No.458/2006/A3 respectively, dated 27-12-2006, as illegal and arbitrary. As the questions involved in both the writ petitions are similar they are being disposed of by a common order.

3. The bar licences under Form 2-B held by the petitioners were cancelled by the impugned orders, dated 27-12-2006, for the violation of Rules 23 & 16 of the A.P.Excise (Grant of Licence of Selling by Bar and Conditions of Licence) Rules, 2005 r/w Section 31 of the A.P.Excise Act. Admittedly, as against the said orders passed by the 1st respondent-Deputy Commissioner of Prohibition & Excise, appeals lie to the Commissioner, Prohibition & Excise. It is stated that appeals have been filed by the petitioners on
10-01-2007. As the petitioners have already availed the alternative

remedy, I am of the opinion that pursuant parallel remedy is not just and proper.

4. Having regard to the facts and circumstances the Writ Petitions are dismissed directing the Commissioner, Prohibition & Excise, to consider and dispose of the appeals filed by the petitioners. As the Commissioner is not a party to the petitions the petitioners may make a separate representation enclosing the copy of the Writ Petitions to the Commissioner so as to enable him to consider and dispose of the appeals within two weeks from the date of receipt of a copy of this order. No order as to costs.

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V. ESWARAIAH, J

01st March, 2007.
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